

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

SAM SCOLA, )  
Plaintiff, )  
                )  
v.              ) No. 05-1170-CV-W-FJG  
                )  
COUNTRYWIDE HOME LOANS, INC., )  
Defendant.     )

**ORDER**

Pending before the Court are (1) Plaintiff's Motion to Designate Expert Out of Time (Doc. No. 28) and (2) Defendant's Motion to Strike Plaintiff's Expert, or alternatively, Motion for Leave to Depose Expert Outside of Close of Discovery and Extend Additional Deadlines (Doc. No. 30).

The Court's Amended Scheduling and Trial Order (Doc. No. 25 at ¶ 7(a)(1)) set a June 15, 2006, deadline for Plaintiff's Rule 26(a)(1)(A) fact witnesses, Rule 26(a)(2)(A) expert witnesses and Rule 26(a)(2)(B) expert reports. Plaintiff first identified his intent to call Dr. Campobasso as either a fact or expert witness in a written interrogatory dated August 30, 2006 (Ex. 1 to Doc. No. 30). Defendant objected (Ex. 2 to Doc. No. 30) and Plaintiff responded on September 6, 2006, by filing his Motion to Designate Expert Out of Time (Doc. No. 28) citing a "clerical error" as the reason for the lateness of the designation. Plaintiff's motion to designate expert out of time (Doc. No. 28), filed nearly three months after the deadline for disclosure had passed, fails to demonstrate good cause sufficient to modify the scheduling order and is therefore **DENIED**. Defendant's motion to strike Dr. Compabasso (Doc. No. 30) is **GRANTED**.

**IT IS SO ORDERED.**

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/s/ FERNANDO J. GAITAN, JR.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: October 10, 2006.  
Kansas City, Missouri.